

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALVARO MACOTO CUAUTLE,

Plaintiff,

-against-

191 AVENUE A INC., et al.,

Defendants.

23-cv-6028 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On December 18, 2023, the Court set a hearing for the individual defendants to appear before the Court and testify under oath about their relationship to the corporate defendant and the plaintiff. The Court also ordered the plaintiff to prepare and serve default-judgment papers on the unrepresented corporate defendant by January 4, 2024, so that the hearing could also serve as a default-judgment hearing against the corporate defendant.

First, the parties are reminded of the hearing on February 8, 2024, at 11:00 a.m. Plaintiff's counsel shall reach out to the individual defendants to remind them of the hearing. Second, the docket suggests that the plaintiff has failed to file for a default judgment with the Clerk of Court, let alone serve that judgment on the corporate defendant or prepare any other papers for a default judgment. By February 5, 2024, at 5:00 p.m., plaintiff's counsel shall submit a letter explaining the failure and suggesting a path forward, whether by default judgment or voluntary dismissal. Plaintiff is reminded that failure to prosecute and failure to follow this Court's orders are both grounds for involuntary dismissal. Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated: February 2, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge